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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/540,798

07/28/2005

Philippe Hoffmann

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2066

2352 7590 10/08/2008  
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EXAMINER

KRECK, JOHN J

ART UNIT

PAPER NUMBER

3672

MAIL DATE

DELIVERY MODE

10/08/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/540,798	<b>Applicant(s)</b> HOFFMANN ET AL.	
	<b>Examiner</b> John Kreck	<b>Art Unit</b> 3672	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The amendment dated 5/12/08 has been entered.

#### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Oberg (U.S. Patent number 4,117,692); Beaujean (U.S. Patent number 6,540,440); and EP 0868621 B1

a. Oberg describes an installation including a laying ship; an assembly unit (5,6); first float separate from the laying ship and having intermediate winding apparatus (1,18). Oberg lacks the reel on the laying ship; and the intermediate deforming apparatus on the float.

b. Beaujean describes an installation including a laying ship; an assembly unit (18,20); and first float (26) having deforming apparatus. Beaujean lacks the reel on the laying ship; the intermediate winding apparatus; and connector.

c. The EP references describes a similar process and apparatus for rigid pipe, and teaches the storage reel (16) on the laying ship (10) and the first float (12—see paragraph 14); and the connector (14).

It is therefore plain that the prior art includes each element claimed, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference.

One of ordinary skill in the art could have combined the elements as claimed by known methods, since the combination would require no more than is shown in the art of record.

One of ordinary skill in the art would have recognized that the results of the combination were predictable, since the combination would merely reorganize known elements to perform the same function.

Therefore, the invention of claim 1 would have been obvious to one of ordinary skill in the art at the time of invention.

*KSR*, 550 U.S. at \_\_\_, 82 USPQ2d at 1395; *Sakraida v. AG Pro, Inc.*, 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); *Anderson's-Black Rock, Inc. v. Pavement Salvage Co.*, 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); *Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp.*, 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

With regards to claims 2 and 3: the reel diameters would have been an obvious matter of engineering design, subject to constraints such as ship size.

RE claim 4: the Oberg reference describes the assembly unit as being on a "supply quay". Official Notice is taken of the fact that floating quays are known; and would have been obvious to those of ordinary skill in the art, based on geographical considerations.

Re claim 5: the dimensions of the float would have been an obvious matter of engineering design.

RE claim 6: see col. 5, line 10 of Oberg.

RE claim 7: see col. 5, line 30 of Oberg.

RE claim 8: the lattice connector is not described in the cited prior art. Official Notice is taken of the fact that lattice connectors are known for use with ships and vessels. These connectors are known to have the advantage of light weight and lower wind resistance. It would have been obvious to one of ordinary skill in the art at the time of the invention to have included a lattice connector.

RE claim 10: Official Notice is taken of the fact that it is notoriously conventional to put ballast tanks in ships. It would have been obvious to one of ordinary skill in the art at the time of the invention to have used a ballast tank, in order to trim the ship.

1. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0868621 B1 in view of Oberg (U.S. Patent number 4,117,692).

- a. The EP document describes the method including the transforming wound rigid pipe from a first float to a laying ship by rewinding onto a storage reel, but lacks any disclosure of how the wound rigid pipe arrives on the first float.
- b. Oberg describes deforming and winding rigid pipe onto a first float.

Since the EP document is silent regarding the manufacture of the wound reel on the float, one of ordinary skill in the art would have found it obvious to have used the deforming and winding as taught by Oberg, And therefore claim 12 would have been obvious to one of ordinary skill in the art.

***Response to Arguments***

2. Applicant's arguments, with respect to the rejection(s) of claim(s) 1-12 as obvious over Maloberti have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of EP0868621.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Kreck whose telephone number is 571-272-7042. The examiner can normally be reached on Mon-Fri 6am-3pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bagnell can be reached on 571-272-6999. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John Kreck/  
Primary Examiner, Art Unit 3672

30 September 2008